

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF PUERTO RICO**

**JEDAN O. FIGUEROA**

PLAINTIFF

v.

**AKAL SECURITY INCORPORATED**

DEFENDANT

CIVIL NO. 17-1571

AGE AND DISABILITY EMPLOYMENT  
DISCRIMINATION  
DEMAND FOR JURY TRIAL

**COMPLAINT AND JURY TRIAL DEMAND**

TO THE HONORABLE COURT:

COMES now plaintiff, Jedan O. Figueroa, represented by his undersigned counsel and very respectfully alleges and prays as follows:

1. This Court has federal question jurisdiction based upon the Americans with Disabilities Act, (“ADA”), as amended by the “Americans with Disabilities Amendments Act (“ADAA”), 42 U.S.C. Sections 12101 et seq.; the “Age Discrimination in Employment Act” (“ADEA”), 29 U.S.C. 621 et seq, as amended and under 28 U.S.C. 1331, 1343, 2201 and 2202.

2. Plaintiff hereby invokes this Court’s supplementary jurisdiction to entertain local law claims arising under the same set of operative facts. The local law claims in this action are based upon Puerto Rico Law No. 44 of July 2, 1989, as amended, and Puerto Rico Law No. 53 of August 30, 1993, 1 Laws of P.R. Anno. 501 et seq. (“Puerto Rico Disabilities Law”); Puerto Rico Law, 100 of June 30<sup>th</sup>, 1959, as amended (“Law 100”) Puerto Rico Law No.

80 of May 30<sup>th</sup>, 1976, as amended, 29 Laws of P.R. Anno. 185a (“Puerto Rico Unjust Dismissal Act”)

3. The applicable administrative remedies have been exhausted. The Equal Employment Opportunity Commission issued the corresponding Right-To-Sue Letter. This action is filed within ninety (90) days period from receipt of said notice of right to sue.

4. The proper venue is this Court.

5. Plaintiff, Jedan O. Figueroa (“Figueroa”), (U.S. citizen), is of legal age, born on June 13<sup>th</sup>, 1958 (age 58 years). Defendant, AKAL Security Incorporated (“AKAL”), is an employer as defined by the federal and local legislation invoked in this action. Pertinent to this action is the fact the AKAL is a federal government contractor that hires and retained security personnel for the U.S. Marshals Service.

6. Plaintiff, Figueroa is an individual covered by the ADA, the ADEA and the local legislation invoked in this action. Figueroa is within the statutory age protected group; either he has a medical condition or disability that substantially limits him in one or more of his daily living activities or have been regarded by his employer as being so limited or there is a record of said condition and as such protected by the disabilities laws.

7. Figueroa worked for AKAL for approximately two and a half (2 ½) years and has been a part of the U.S. District Court Security Offices (“CSO”) Program for twenty (20) years.

8. Figueroa while working for the U.S. Marshals Service and AKAL, each year he completed a physical examination and had no problem up and until his last examination.

9. Figueroa took in June 2014 his yearly physical exam and as part of the examination, he was administered an eye examination that he passed. He wears and has worn glasses all of his life. He wore glasses during his examination. However, the results of the eye examination indicated that he had a color deficiency and further testing was required. It is an hereditary condition. Thus, he had worked as a CSO for the U.S. Marshals Service (and related contractors, including AKAL) for more than twenty (20) years with said condition. His condition was never an obstacle for his continued employment. Subsequently, he received a termination letter by AKAL. He was dismissed by AKAL based on his disability or perceived disability and his age.

10. Figueroa was terminated without any opportunity to be retained with a reasonable accommodation.

11. Figueroa is able to work and has had no problem in the performance of his duties while employed in the CSO Program.

12. The U.S. Marshals Service considers Figueroa an employee of AKAL.

13. AKAL has engaged in this practice of excluding qualified officers and said practice is directed at the age protected individuals. AKAL's practices has a disparate impact and treatment on plaintiff and other

employees within the age protected group. Other employees similarly situated as plaintiff has been affected by these practices.

14. Defendant's conduct has caused Figueroa past and present damages of economic nature and mental pain and suffering and bodily injury.

15. Defendant's actions were willful and in disregard to Figueroa's protective rights under federal and local laws.

16. Trial by Jury is demanded herein. The following remedies are requested:

A. To enter declaratory judgment stating that the acts complained herein are in violation of the federal and local legislation invoked.

B. To declare that defendant failed to accommodate Figueroa. To declare that Figueroa was denied equal treatment due to his condition. To order Figueroa's reinstatement to his employment.

C. That Figueroa be compensated for all his economic (back and front pay and loss of benefits) and mental suffering and anguishes, bodily injuries and other damages mentioned in his Complaint, in a sum not less than \$1,000,000.00. Front pay is claim only if it is determined that the reinstatement is not practicable. Reinstatement is the desired remedy here.

D. That compensatory, punitive, liquidated, and any other type of damages applicable be imposed.

E. That damages be doubled as mandated by local law.

- F. That attorney's and expert's fees be awarded.
- G. That pre-judgment and post judgment interests be imposed.
- H. That costs and all litigation expenses be taxed.
- I. That back and front pay be awarded.
- J. That all benefits lost be compensated. Figueroa requests damages resulting from loss of medical plan benefits; insurance package and life insurance.
- K. Lastly, we hereby move the Court to order that Figueroa be reinstated, hired, or rehired in his employment with AKAL.

In San Juan, Puerto Rico, on this May 2<sup>nd</sup>, 2017.

RESPECTFULLY SUBMITTED.

S/Enrique J. Mendoza Méndez  
Enrique J. Mendoza Méndez  
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